IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1253 of 2005

Between:

Mondu Murali Krishna, s/o Sri Venkata Marthanda Murthy,
4-2-677/442, Sri New Vivekananda Nagar, Jagapathi Holls, Allapur Village,
Balanagar Mandal,
Kukatpalli Municipality, R.R.District.

..... PETITIONER

AND

1. The Municipal Commissioner, Kukatpalli Municipality, Kukatpalli,

Ranga Reddy District.
2. Little Star School, rep., by its Principal Mr.Dhananjaya,
Tulsinagar Slum Area, Kukatpalli, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of *Writ of Mandamus*, declaring the action of the first respondent demand notice dated 24-01-2005 to demolish the petitioner's private property compound wall is illegal, violate, willful negligence of rules.

Counsel for the Petitioner: MR.PRAKASH CHAKRAVARTHY

Counsel for the Respondents: MR.P.RADHAKRISHNA

The Court made the following:

ORDER:

–

The writ petition is filed, seeking a declaration that the action of the first respondent in issuing the demand notice dated 24.01.2005 to demolish the compound wall of the petitioner's private property, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the 1st respondent Municipality.

A perusal of the impugned demand notice dated 24.01.2005 shows that the petitioner was directed to remove the compound wall within a period of three days on the ground that the petitioner constructed the compound wall encroaching upon the public road and the same is causing inconvenience to the public. The petitioner contends that the house in question is his private property and the alleged encroachment into public road is incorrect and without any basis. It is also contended that the impugned order which was passed without affording any opportunity to the petitioner to explain the allegations is arbitrary and illegal.

Having heard the learned counsel for both parties, I am of the view that the interest of the justice would be met, if the petitioner is afforded an opportunity to explain the allegations made in the impugned notice dated 24-01-2005.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to submit his explanation treating the impugned notice as a show-cause notice within a period of two weeks from today, in which event, the first respondent shall consider the objections, if any, raised by the petitioner and pass appropriate orders in accordance with law. Till such time, status quo obtaining as on today as to the property in question shall be maintained.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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(G. ROHINI,J)

Date: 31.01.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Municipal Commissioner, Kukatpalli Municipality, Kukatpalli,

Ranga Reddy District.
2. The Principal, Little Star School,
Tulsinagar Slum Area, Kukatpalli, Ranga Reddy District.

3. Two C.D. copies

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